

REMARKS

The claims have been amended for additional clarity, and the graphite target specified as a rod or plate.

Claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Withers in view of Ullman. Applicants respectfully traverse this rejection.

Withers discloses a method and apparatus for producing fullerenes, a form of carbon. The only portion of Withers cited by the Office Action teaches using a laser 72 to vaporize carbon particulates 74. *See* Withers, col. 8, ll. 29-35. This system is depicted in Figure 8 of Withers, which shows a laser beam 75 that is directed by a mirror 75 through a window 76 and into a container 73 which houses a source of carbon 74. As a result, vaporized carbon is produced, collected on the inner walls of the container and later separated. *See* Withers, col. 8, ll. 36-50.

In contrast to Withers, the method claims explicitly refer to flattening the surface of said graphite target after it has been irradiated with light, and the apparatus claims refer to a unit for flattening the surface of said graphite target after it has been irradiated with light. The prior Office Actions fail to point to any section of Withers that discloses such "flattening", and Applicants cannot locate any section of Withers that discloses such "flattening." The "Doctor Blade" disclosure in this reference is inapposite as it concerns

the smoothing of particles on a disc surface, and not the smoothing of the disc surface itself. The target in the instant claims is a rod or plate, not particles. The “combination” text noted in the Advisory Action concerns combinations of heating methods (col. 12, ll. 51-54). Thus, Withers completely fails to teach or suggest flattening the surface of said graphite target, as recited in the independent claims.

As Withers explicitly states, the laser vaporizes carbon where it impinges on the target (col. 8, lines 40-44), and that clearly results in a concave surface where the carbon has been removed but not at the adjacent surface where the laser has not applied. In order to flatten the surface, something further must be done. As stated at the bottom of page 8, the method used is not limited. A second irradiation would only deepen the cavity. A second application of laser light to the margins of the concave surface would widen the cavity if done perfectly or result in a second cavity if not done perfectly. Neither would flatten the surface.

Ullman was not added to cure the deficiency in Withers discussed above, but to show additional limitations such as rotating the carbon source which, even if it were to show, do not cure the deficiency in Withers. Thus, Applicant respectfully submits that the rejection of independent claims 1-3 and 8-10 under § 103(a) be withdrawn.

Claims 4-7 and 11-14 depend from and contain all the limitations of independent claims 1-3 and 8-10. These dependent claims recite additional limitations, which, in combination with the limitations of claims 1-3 and 8-10 are neither disclosed nor suggested by the cited references and are directed towards patentable subject matter. Thus, claims 4-7 and 11-14 should also be allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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